

CITY COUNCIL, CITY OF LODI
COUNCIL CHAMBER, CITY HALL
ADJOURNED MEETING
OCTOBER 28, 1953

This meeting of the City Council of the City of Lodi, regularly adjourned from October 21, 1953, in accordance with the provisions of Section 36811 of the Government Code, was held beginning at 8:00 o'clock p.m. on Wednesday, October 28, 1953; Councilmen Hillman, Preszler, Rinn, Robinson and Richey (Mayor) present; none absent.

Action on the minutes of the previous meetings of October 7, October 12 and October 21, 1953, was deferred until the next meeting.

BLAKELY PARK REST ROOMS COMPLETE A Certificate of Completion for the Public Rest Rooms at Blakely Park was received from the City Engineer. On the motion of Councilman Robinson, Hillman second, the Council voted to accept the work as complete.

PETITION ANNEXATION EHRHARDT ADD. A petition requesting the annexation of 10.69 acres lying east of South Fairmont Avenue and north of the extension of Vine Street, signed by Daniel Ehrhardt, Katherine E. Ehrhardt, and Jay S. Abbott, was presented by the City Manager. The request is for annexation as uninhabited territory. Resolution No. 1775, declaring the intention of the City Council to annex the territory, was adopted on the motion of Councilman Preszler, Rinn second. Public hearing on the proposed annexation was set in the resolution for December 2, 1953.

RES. #1775 ADOPTED

AWARD PRISONER VAN In accordance with the action taken by the Council at its October 7, 1953, meeting, the Purchasing Agent submitted a tabulation of informal bids received for the purchase of a prisoner van for the Police Department. The following bids were received for the panel truck which must be converted to serve as the prisoner van:

Loewen Auto Co.	\$1,474.70
Krieger Motor Co.	1,575.00
L. G. Brown	1,642.66

The conversion was priced at \$1296.95. The City Manager recommended the acceptance of the bid by Loewen Auto Company as the lowest responsible bid. On the motion of Councilman Rinn, Hillman second, the Council voted to approve the recommendation of the City Manager.

CLAIMS Claims in the amount of \$106,247.09 were approved on the motion of Councilman Preszler, Robinson second.

ORD. NO. 498 ADOPTED ORDINANCE NO. 498, "AN ORDINANCE AMENDING ORDINANCE NO. 493, ENTITLED 'AN ORDINANCE OF THE CITY OF LODI REGULATING TRAFFIC UPON THE PUBLIC STREETS AND REPEALING ORDINANCES NOS. 64, 137, 222, 233, 446 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith'", having been regularly introduced on October 7, 1953, was brought up for passage on the motion of Councilman Robinson, Hillman second, second reading omitted after reading by title. Mr. Karl Niedan, 616 West Pine Street, addressed the Council from the audience to protest

PROHIBITS OVERNIGHT PARKING

that this ordinance would affect 500 to 600 cars in the City that have no other place to park at night. He stated that he thought the people in the City were satisfied with the streets as they are cleaned at the present time, and the Council should leave well enough alone. Mr. Weller read the excerpt from the Council minutes of October 7 pertaining to the discussion preceding the introduction of Ordinance No. 498. Councilman Rinn stated that it is not the intent of this ordinance to go out and tag every car that is parked on the City streets at night, but rather to correct those instances where parked cars are a traffic hazard. He pointed out that the streets are not provided for parking but were provided for the movement of traffic and moving it safely. Councilman Preszler stated that he was in favor of the prohibition of overnight parking in the downtown area, but felt that once the ordinance was adopted it could be enforced everywhere in the City and he was opposed to the prohibition of overnight parking in the residential areas. Ordinance No. 498 was then adopted by the following vote:

AYES: Councilmen - Hillman, Rinn, Robinson
and Richey

NOES: Councilmen - Preszler

ABSENT: Councilmen - None

Mayor Richey then signed Ordinance No. 498 in approval thereof.

RES. #1774
ADOPTED

WITHDRAWAL
OF 51ST
ADDITION
FROM
W.R.F.P.D.

The City Manager explained that the 51st Addition had been annexed to the City of Lodi effective October 6, 1953, but a resolution from the City Council was necessary to withdraw the territory from the Woodbridge Rural Fire Protection District. He pointed out that the territory was entitled to fire protection from the City Fire Department now, and as part of the City the property would be taxed to support the City's Fire Department. He added that the owners of property in the annexed area would be paying a double tax for fire protection. Mr. Sherwood Beckman addressed the Council to ask if it is right for the City Council to simply withdraw territory from the Fire District thereby crippling the District. It was explained that the property owners petitioned the City Council for annexation, and after annexation there was no point in these property owners paying for fire protection to both the City and the District. It was also pointed out to Mr. Beckman that prior to the 1953 Legislature the withdrawal from the fire protection district was automatic upon annexation. On the motion of Councilman Preszler, Rinn second, the Council voted to adopt Resolution No. 1774, declaring the withdrawal of the 51st Addition from the Woodbridge Rural County Fire Protection District.

PUBLIC HEARING

STATE
ACQUISITION
OF LODI
LAKE PARK

At this time Mayor Richey called for all persons wishing to address the City Council on any matters, other than the Lake Park question, to do so at this time. There being no other business, Mayor Richey moved on to the public hearing on the question of the acquisition of Lake Park by the State Division of Beaches and Parks. Mayor Richey introduced Dr. Robert Burns, member of the State Park Commission, and Mr. Clyde L. Newlin, of the Division

of Beaches and Parks. Mayor Richey then outlined the actions and events leading up to the present public hearing on the subject. Mr. Floyd Journeay asked if the residents of the rural area would be granted a hearing at this meeting, or was it conducted solely for the residents of the City of Lodi. Mayor Richey replied that a previous meeting had been held at which the rural residents had been invited to present their views, and the present meeting had been called to bet the views of the residents of the City of Lodi; however, she added that the rural residents would be allowed to speak. Mr. Journeay then asked if question of the use of the water behind the Woodbridge Irrigation District Dam had been resolved. The question was referred from Mr. Newlin to Mr. Sherwood Beckman. Mr. Beckman replied that he had not been contacted by the State since the last meeting. Dr. Burns stated that the Division of Beaches and Parks has experienced very little difficulty in working out agreements with irrigation districts. Mr. Beckman stated that the W.I.D. has been cooperating with the City of Lodi on matters relating to storm drainage and recreation, but it could not afford to give away its water basin which acted as a cushion for irrigation. He then asked whether the W.I.D. would be subject to an increase in liability due to greater use of the park and the river. Dr. Burns replied that it is uppermost in the minds of the Park Commission to provide certain protections, and that the experience of the Division regarding accidents has been very good. In answer to several questions regarding the price to be paid for land acquired, Dr. Burns outlined the procedure of hiring three appraisers to conduct three separate and distinct appraisals, working from the lowest appraisal (possible to go 10% above appraisal figure) and turning to condemnation action only as the last resort. Dr. Burns added that there have been very few condemnation suits (approximately 1 in 200) as a result of park acquisition. Mr. George Hughes protested that if the figures given in the first estimate were correct, the property to be acquired would have an average value of something over \$300 an acre. He felt that this was too low for this land. Mr. Journeay asked if it would be possible to complete the appraisals before action is taken by the City Council. Dr. Burns replied that the appraisals were very expensive so the State would not spend this money unless it was reasonably sure that it would get the park. He also stated that he did not believe the City Council could recall its action, if it found that the prices offered were not acceptable to the property owners. Miss Amy Boynton spoke in favor of the State acquisition, saying that the park was overcrowded at present, the City was unable to finance the necessary expansion, but that the offer from the State does present the means of expansion. Mr. George Hughes replied that the Park is not overcrowded, that it would be adequate with proper management, people would still use the present area rather than go up river to sit on boggy ground; he also stated that the City Council has no right to deed the park to the State since the park was given to the citizens of Lodi and not to the City Council, that the question is of sufficient import to warrant placing the question to the vote of the

people, and that the State changes its rules and regulations and the people can be certain that they are going to be charged for use of the State park. Mr. Tolliver stated that he felt that people tended to look too close to their doors rather than looking to the future. He added that he felt the City would be making a mistake if it failed to accept the offer from the State. Mr. J. N. Ballantyne stated that the water rights were extremely important to the property owners along the river. Mr. Journeay stated that he was quite concerned about the possibility of changing the course of the Mokelumne River. Mr. Newlin replied that throughout the process of development of parks the Division works very closely with the people concerned, and that any change in the course of the river would only be accomplished after approval had been received from the proper State agencies. Mr. Lipelt stated that he owned five acres of land bordering the river which land he was in the process of subdividing at considerable expense. His subdivision includes a private beach for the use of the residents of the subdivision. He asked if the State would permit the continued private use of this beach if the land were purchased by the State. Dr. Burns replied that he doubted if this arrangement would be possible. Mr. Van Buskirk addressed the meeting to urge confidence in the elected officials as members of the representative form of government. Councilman Rinn then stated that since it was his understanding the only way to proceed with the appraisal of property was for the City Council to inform the State Division of Beaches and Parks of the Council's willingness to deed the Lake Park to the State, he would move the adoption of Resolution No. 1776, declaring the intention of the City Council to grant such a deed to the State. Councilman Robinson seconded the motion, saying that he believed the questions and fears expressed here would be resolved to everyone's satisfaction. The motion was passed by a unanimous vote.

RES. #1776
ADOPTED

The meeting was adjourned on the motion of Councilman Rinn at 10:25 p.m.

ATTEST:

Henry A. Graves Jr.
City Clerk